

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 11, 2004

Regulation Package #0303-06

CDSS MANUAL LETTER NO. CCL-04-05

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 8.8, FOSTER FAMILY AGENCIES

Regulation Package #0303-06**Effective 1/9/04****Section 88030**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/FosterFami_628.htm.

Current regulations that govern community care facilities are inconsistent in providing anti-discrimination protections for applicants seeking licensure or certification. These amended regulations provide consistent anti-discrimination policy for applicants by conforming to existing anti-discrimination laws.

These regulations were considered at the Department's public hearing held on July 16, 2003.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-04-04. The latest prior manual letter containing Foster Family Agencies regulation changes was Manual Letter No. CCL-01-17.

Page(s)Replace(s)

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Attachments

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Article 4. CERTIFICATION AND USE OF HOMES**88030 IDENTIFICATION OF CERTIFIED FAMILY HOMES****88030**

- (a) All licensed foster family agencies shall accept applications from adult applicants, evaluate applicants for certification, or decertify homes, on a nondiscriminatory basis without regard to age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.
- (b) Each certified family home used by a licensed foster family agency shall be provided with a Certificate of Approval, properly completed and signed by the administrator of the foster family agency or his/her designee.
- (c) The Certificate of Approval shall include the following:
 - (1) The capacity for which the home has been certified.
 - (2) The age range of children to be served.
 - (3) Any limitations of the home, including ambulatory status.
 - (4) Any preferences requested by the home.
 - (5) Date of issuance.
 - (6) Date of expiration not to exceed one year from the date of issuance.
- (d) A copy of the Certificate of Approval shall be kept in the certified family home case records maintained by the foster family agency.
- (e) A Certificate of Approval is not transferable and shall be void upon a change of location or certified parent(s) except under emergency conditions as specified in Section 88033.
- (f) Certified family homes shall conform to the regulations for "General Licensing Requirements," Chapter 1, commencing with Section 80000; and "Small Family Homes," Chapter 4, commencing with Section 83000, excluding Sections 83010.1(a)(2), 83032, 83068.1, 83066(b) and (c), 83068.2, 83068.3, 83069.1(a)(5)(A) and 83070.1(d).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1502, 1506, 1530 and 1530.5, Health and Safety Code; and Section 51, Civil Code.

88030.1 LIMITATION ON USE OF SPECIALIZED CERTIFIED FAMILY HOMES 88030.1

- (a) The foster family agency may place children with special health care needs in certified family homes but not licensed foster family homes, however, no more than two children shall be placed in a specialized certified family home with the following exception:
 - (1) The foster family agency may place a third child with or without special health care needs provided that the capacity, as determined by the foster family agency under Section 80028 is not exceeded, and the conditions specified in Sections 83010.1(a)(1)(A), (B) and (C) are met.
- (b) The foster family agency shall not place any child with special health care needs in a certified family home unless the certified parent has completed specialized in-home health care training as required by Section 83065.1(a).
- (c) The foster family agency shall not place a child if the child requires in-home health care other than family health care, unless the child is a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), 17732(a) and 17736(a), Welfare and Institutions Code and Sections 1502(a) and 1507, Health and Safety Code.

88030.2 PROHIBITION OF LICENSURE FOR SPECIALIZED CERTIFIED FAMILY HOMES 88030.2

- (a) The foster family agency shall not place or permit the continued placement of children with special health care needs in a specialized certified family home for which the certified parent holds any day care or health care facility license for the same premises as the specialized certified family home.
 - (1) If the foster family agency plans to place a child with special health care needs in a specialized certified family home whose certified parent holds a license as specified in Section 88030.2(a), the foster family agency shall verify that the certified parent has surrendered the license to the licensing agency prior to placing the child.
 - (2) The provisions specified in Sections 88030.2(a) and (a)(1) shall not apply to existing placements of children with special health care needs in certified family homes that meet the conditions specified in Sections 83010.2(a)(2)(A) and (B).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732(a), Welfare and Institutions Code and Sections 1300, 1506(a), 1524(c) and 1531, Health and Safety Code.